

ORIGINAL

T00-0071

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Elgin, Joliet and Eastern Railway Company, hereinafter referred to as the "Company", the Wheatland Township in Will County, hereinafter referred to as the "Township", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through staff investigation that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as 91st Street (TR-5) located near Plainfield in Wheatland Township, Will County, Illinois, designated as crossing DOT 260 564A, milepost 56.97-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that a certain improvement as hereinafter stated be made and that the cost for the proposed improvement be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 The improvement encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvement in the interest of public safety at the aforesaid crossing should be:

- a) the Company should install automatic flashing light signals and gates, LED signal units and constant warning time control circuitry;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvement which it may be required to perform; the Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvement for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvement should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvement should be:

- a) the cost to install automatic flashing light signals and gates, LED signal units and constant warning time control circuitry, estimated at \$156,708, should be allocated whereby the Grade Crossing Protection Fund (Fund) should bear 90% of said project cost, not to exceed \$141,037, with the Company bearing any remaining cost after payment from the Fund, as well as all future operation and maintenance cost thereof;

Section 6 Special Provisions: The Company shall file a written report with the Director of Processing within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of the project and the percentage of completion of the project; if the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.


All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. A copy of each bill for Fund reimbursement shall also be submitted to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and

Commission no later than twenty four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall within ninety (90) days of the date of Commission's Order subsequent to this Agreement, submit to the Director of Processing, Transportation Division of the Commission, the name, title, mailing address, phone number and facsimile number of a project manager.

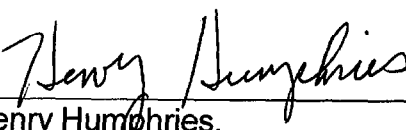
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 24th day of May, 2000.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 925 concerning an improvement at the 91st Street (TR-5) grade crossing of the Elgin, Joliet and Eastern railway Company's track near Plainfield in Wheatland Township, Will County, Illinois designated as crossing AAR/DOT # 260 564A, Milepost 56.97-A.

Executed by the Elgin, Joliet and Eastern Railway Company this 1st day of June, 2000.

THE ELGIN, JOLIET AND EASTERN
RAILWAY COMPANY

By: Dennis R. Gird

Attest:

Lina Frost

Illinois Commerce Commission Stipulated Agreement No. 925 concerning an improvement at the 91st Street (TR-5) grade crossing of the Elgin, Joliet and Eastern railway Company's track near Plainfield in Wheatland Township, Will County, Illinois designated as crossing AAR/DOT # 260 564A, Milepost 56.97-A.

Executed by the Department this 19TH day of JUNE, 2000.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

James C. Shifer
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 925 concerning an improvement at the 91st Street (TR-5) grade crossing of the Elgin, Joliet and Eastern railway Company's track near Plainfield in Wheatland Township, Will County, Illinois designated as crossing AAR/DOT # 260 564A, Milepost 56.97-A.

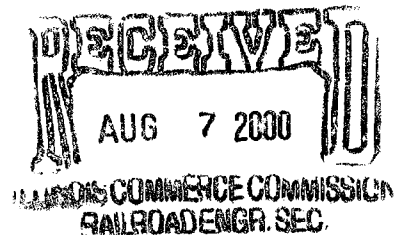
Executed by Wheatland Township, Will County this 28 day of July 2000.

WHEATLAND TOWNSHIP, WILL
COUNTY

By: Wayton E. James

Attest:

Robert A. Green



STIPULATED AGREEMENT SURVEY FORM

Depth of Cut ----- Height of Fill -----

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		Main	FDT		Fair

Present Protection	<u>Crossbucks</u>
--------------------	-------------------

Advance Warning Signs Yes Pavement Marking No

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

Approach Grades

North	Meets	'	92	%	Ill.	'	Adm.	%	Code	'	1535	%
South		'		%		'		%		'		%

Comments: _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



Sketch of Crossing

NEW
Housing Development

High Power
Electric Towers

ET&C

Norman town Road

Exhibit A
Page 3

91st Street

Field

Field

Scale:
None

Bldg

Bldg

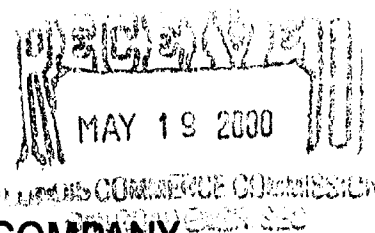


ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

1 NORTH BUCHANAN STREET · GARY, INDIANA 46402

DENNIS R. OJARD, P.E.
CHIEF ENGINEER

219 / 883-4307 · FAX 219 / 883-4257



May 16, 2000

Mr. Michael E. Stead
Acting Railroad Safety Administrator
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62754

Subject: *Elgin, Joliet, & Eastern Railway Revised Estimate
for a New Crossing Warning System at 91st Street,
AAR/DOT #260 564A, in Aurora, Illinois*

Dear Mr. Stead:

Based on a review of 2001 Crossing Projects with Mr. Henry Humphries attached is a revised estimate for the installation of a new crossing warning system for 91st Street, AAR/DOT #260 564A, in Aurora, Illinois. The revision reflects an increase in material costs. The installation consists of flashing lights, gates and grade crossing predictor.

Should you require additional information from the EJ&E Railway Company, contact T. W. Hunter at (815) 740-6587.

Sincerely,

D. R. Ojard, P. E.
Chief Engineer

KGE/gc

Attachment

cc: T. W. Hunter
M. S. Halsted
J. F. Marteeny
Sheldon C. Latz – Will County Dept. of Hwy.
Dayton E. Jarnagin – Wheatland Township

Name of Carrier: Elgin, Joliet, & Eastern Railway Company	Date: 1/27/00	Page 1 of 1
--	------------------	-------------

Description and Location of Project:

Install Gates, Lights, Bells, and Grade Crossing Predictor at 91st Street, Aurora, Illinois, AAR/DOT #260 564A, Milepost 17.03

LOCATION: Aurora, IL.

Description	Unit	# of Units	Unit Cost	Material Cost	Labor	Total
Crossing Warning System Package with Bungalow, Two Gate Mechanisms, LED Lights, GCP, Crossing Controller, Crossing Recorder, Gates and Associated Equipment.	lot	1	\$ 75,000	\$ 75,000		
Signal Cable 2/C #6 awg - Twist Track	ft.	1,000	1.00	1,000		
Signal Cable 5/C #6 awg - Gate	ft.	1,000	4.70	4,700		
Signal Cable 12/C #9 awg - Gate	ft.	1,000	6.00	6,000		
Power Cable 3/C #2 awg	ft.	500	3.50	1,750		
Power Service	lot	1	3,000	3,000		
4" Ridge Conduit	ft.	100	10.00	1,000		
Miscellaneous Material	lot	1	5,500	<u>5,500</u>		
Subtotal Material				97,950		
Add 11% for Handling				<u>10,775</u>		
TOTAL MATERIAL:				108,725		108,725
Labor						
Truck Driver	mh	16	17.00		\$ 272	
Crane Operator	mh	8	19.00		152	
Signalman	mh	800	19.00		15,200	
Signal Foreman	mh	120	21.50		2,580	
Electrical Labor - Lead Lineman	mh	100	21.50		2,150	
Engineering and Accounting	lot	1	3,500		<u>3,500</u>	
Subtotal Labor					23,854	
Add Fringe (.76)					<u>18,129</u>	
TOTAL LABOR:					\$ 41,983	41,983
Equipment Rental	lot	1	6,000	6,000		<u>\$ 6,000</u>
Net Project Expenditure:						\$ 156,708

(Revised: 5/16/00)